

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

In re:	§	Chapter 11
AGE REFINING, INC.,	§	Case No. 10-50501-LMC
Debtor	§	

**OBJECTION OF ERIC J. MOELLER, CHAPTER 11 TRUSTEE, TO
ADMINISTRATIVE EXPENSE CLAIM OF
TIDEPORT DISTRIBUTING, INC.**

Relates to Claim #166-1

TO THE HONORABLE LEIF M. CLARK,
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Eric J. Moeller, the Chapter 11 Trustee (the “Trustee”) and files this Objection to the Administrative Expense Claim of Tideport Distributing, Inc. (Claim #166-1) (the “Objection”) and would respectfully show the Court as follows:

Background and Relief Requested

1. This is a core proceeding over which the Court has jurisdiction under 28 U.S.C. § 157(b). The statutory predicate for relief is Rule 9019 of the Federal Rules of Bankruptcy Procedure.

2. This Court has jurisdiction over this Motion under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. On February 8, 2010, (the “Petition Date”), the Debtor filed a voluntary petition in this Court for relief under chapter 11 of the Bankruptcy Code.

4. On or about March 17, 2010, the United States Trustee appointed a Committee of Unsecured Creditors (the “Committee”).

5. On or about June 16, 2010, the Court entered an agreed order authorizing the appointment of a Chapter 11 Trustee. On or about July 6, 2010, the Court entered an order appointing Eric J. Moeller as Chapter 11 Trustee.

6. On or about June 13, 2011, the Trustee filed a motion to set the bar date for administrative claims as August 1, 2011 [Docket No. 1020]. The Court signed an Order setting the bar date for filing administrative claims as August 1, 2011 (the “Bar Date”) [Docket No. 1041].

7. The Trustee has received a number of administrative expense claims. Tideport Distributing, Inc. (“Tideport”) filed a late administrative expense claim on August 16, 2011 in the amount of \$23,474.13 for oil transport services (the “Tideport Claim”). See Claim Register, Claim #166-1.

8. Due to the late filing of the Tideport Claim, without filing a motion for leave to file a late administrative expense claim, it administrative expense claim should not be allowed.

9. The Bar Dates and other deadlines approved by the Court were set to efficiently administer the administrative expense claims and the remaining estate assets. *See In re PT-1 Communications, Inc.*, 406 B.R. 250, 259 (Bankr. E.D.N.Y. 2009). The Bar Date gave potential claimants plenty of time to retain counsel or file a claim, and the process for filing an administrative expense was clearly defined.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully prays that the Court enter an Order disallowing claim # 166-1 as untimely and Order the estate not liable for the administrative expense claim of Tideport Distributing, Inc. and for such other and further relief, at law or in equity, as is just and proper.

Dated: August 19, 2011.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by U.S. Mail, first class, postage pre-paid on the parties listed on the limited service list and/or by electronic means for all Pacer system participants on this 19 th day of August, 2011. Additionally a copy of the Order Regarding Motion to Enter Scheduling Order Setting Deadlines for Filing Objections to Administrative Claims and Setting a Hearing on Administrative Claims was sent to Tideport Distributing, Inc. at the below addresses.

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Last Update: 6/10/11

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